

Your allegation against 'Chhaya Center' does not have any factual basis. 'Chhaya Center' has not violated cultural rights of any community or indigenous group. The allegations made against 'Chhaya Center' is not supported by any historical or archeological facts. The ownership of the land has been transferred from person to person in different period of times. The issue of ownership of land has already been settled through Court of law. Chhaya Center has got approval and clearance of several concerning departments before starting the construction as per laws and regulations of Nepal. It has full compliance with the existing laws, rules and regulations of Nepal. EIA is also done as per the Environmental laws and regulations of the nation. During Construction of the building Supreme Court already denied interim order to stop the construction.

The matter is still sub judice in the Apex Court of Nepal. The Apex Court is competent to decide the matter as per the existing laws and Constitution of Nepal. It is against the judicial norms to discuss the matter in public domain or media with regard to the merit of the case. Independence of judiciary is basic tenet of rule of law and Court is fully independent and competent to decide the matter in impartial manner without fear and favor. Media trial is not acceptable. The 'Chhaya Center' is committed to conduct business in lawful manner, always uphold the rule of law and abide by Court order. Let's not interfere in the functioning of the Court. Court must be allowed to decide the matter on the basis of existing laws and evidences presented before it. Both sides are free to submit evidences before Court and would be allow to put their legal arguments. So, better not to engage in media trial. Parties of the case must be abide by judicial norms and decency and it is improper to engage unethical practices. We all should respect the basic notion of independence of judiciary and sanctity of judicial process.

Followings are the basic facts of the case which supports the position of Chhaya Center.

1. The site where 'Chhaya Complex' is built in Thamel was given to Late Gen. Keshar Shamsher Rana One Hundred and Ten Years ago by Governmental Order and was within his residential premises.

2. After demise of Gen. Keshar Shamsher, local Pradhan Community of Thamel tried to claim the land with Kayur Shamsher, late Son of Gen. Keshar in 1970AD (2026 BS) and filed a case at the District court which ultimately resolved in 1978 (2033BS) through a mutual settlement agreement in Supreme Court. The settlement agreement made in Supreme Court established the tenancy right of Kayur Shumsher JBR.

3. During his time, Kayur Shamsher sold some part of lands and major part of the land inherited by his wife, Ambika Devi Rana after his demise in 1980 (2039 BS). There was consent received from the Local Pradhan Community Trust in 1985 (2044 BS) for the transfer of tenancy right.

4. Under the prevailing legal arrangement during that period all the trust land belonged to government and registered under Guthi Corporation and after paying 10% compensation to government, individuals with tenancy right could have full ownership or title of the land. Mrs. Rana and other buyers acquired full ownership of land in 2047 BS according to this provision of law.

5. Subsequently, Guthi Corporation withdrew its decision to transfer absolute title, of the land to Mrs. Ambika Rana and other buyers including Mr.

Shanker Bikram Shah. But, affected parties challenged the decision in the District Court and got Court judgment in came their favor . The District Court judgment was also endorsed by the Appellate & Supreme Court.

6. Pradhan Family under leadership of Mr. Hiranya Man Singh Pradhan, (sitting Justice of the Supreme Court) again filed case at District Court claiming right over the land. The Court case was again concluded in 2062 BS (2005 AD) through mutual agreement in the district court with a settlement amount of NPR Fifteen Million (150,00000) and Four Annas of land from Mrs. Ambika Rana.
7. The Company purchased land in 2065 BS (2008 AD) and started the Construction of a multi-story Tourism Business Complex after getting approval from concerning governmental departments. Company has a proof of ownership of land issued (Lal Purja in Nepali) by Ministry of Land Reforms, Land Management office.
8. After the inception of the Project of “Chhaya Devi Complex” seven people of Thamel’s Pradhan Family filed the case in Kathmandu District Court. But they lost the case in the district Court. After losing the case in District Court out of seven 6 person did not appeal the decision. Only one person appealed against judgment but the Court of appeal also endorsed the district Court judgment. Now, the case is sub judice in Supreme Court however, it has already denied to stop the construction.
9. Two more Public Interest litigations were filed into the Supreme Court asking for interim orders to stop the construction works however, looking at

all facts and evidences, Supreme court denied to issue interim Order. Since, the Supreme Court did not order to stop, Construction work of the building is completed and executed with various business affairs.

10. Construction Permits from Kathmandu Metropolitan City Office has been received before starting of construction work of the building and company also received approval from Kathmandu Valley Urban Development Authority. A full-fledged EIA has been done by Ministry of Environment under Environment Protection Act 2063 and gave clearance for the project. Final Completion Certificate of the Building has been also received from Kathmandu Metropolitan Office. Now, the Building has already come into operation.

11. As of now, a Five Star Hotel, Multiplex Theaters, Food Court, around 200 shops, Parking lot and many business have come into operation and the building stands as a pride of Kathmandu itself. Many functions including government events have been organized, five ex-Prime Ministers, many Ministers and dignitaries of the Country have visited the complex in different occasions.

12. Many People from the Local Pradhan Family, local Indigenous community and prominent businessman from Nepal are share-holders, owners of space or individual business establishments in the building. So, this is a project of maximum public ownership including local indigenous people.

13. Having a history of Private ownership for a hundred and ten years, so called claim of cultural heritage is nullified by above facts and participation of local people and indigenous community including some members of Pradhan family in business activities within the building reflects that the building itself is a subject of mass interest and investments.
14. For a property with history of private ownership of over a decade and lately owned by many noted entrepreneurs of the country taking together people from the local community on a team work along the path to prosperity, few people with ill intentions, working under false and unfounded claims of Indigenous or archeological values does not have any substances. This kind of false and unfounded claims does not serve any societal purpose. It is not only a harmful for society but also put obstruction in the path of development of ethical and lawful business. We firmly believe in ethical and fair business and also would like to promote sustainable and ecofriendly economic development. We are also a firm believer of social accountability of the business and corporate social responsibility. Organizations like “Business & Human Rights Resource Centre” should not be influenced by such elements of social injustice!

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